

DATE ISSUED: August 2, 2007 **REPORT NO.** PC-07-109

ATTENTION: **Planning Commission, Agenda of August 9, 2007**

SUBJECT: JIFFY LUBE - PROJECT NO. 108768. PROCESS FOUR

REFERENCE: NATIONAL LLC – Project No. 1531; Site Development Permit No. 9200 and Planned Development Permit No. 9201 (Attachment 9)

**OWNER/
APPLICANT:** National LLC (Attachment 12)

SUMMARY

Issue(s): Should the Planning Commission approve amendments to previously approved permits to allow for the operation of a Jiffy Lube service station as well as minor building structure modifications and deviations at an existing neighborhood retail center located at 2828 National Avenue within the Southeastern San Diego Community Plan area?

Staff Recommendation: **Approve** Conditional Use Permit No. 362559; Site Development Permit No. 363517; and Planned Development Permit No. 363514 (Attachment 7).

Community Planning Group Recommendation: On May 10, 2007, the Southeastern San Diego Planning Committee voted 10-0-0 to recommend the project be approved with the condition that they are allowed to review the facilities and provisions of the Conditional Use Permit for environmental compliance at the time of a change in ownership (Attachment 10).

Other Recommendations: The Southeastern Economic Development Corporation staff supports the decision of the Southeastern San Diego Planning Committee regarding the Jiffy Lube – Project No. 108768 (Attachment 11).

Environmental Review: The proposed activity is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303 (New construction or conversion of small structures) of the State CEQA Guidelines (Attachment 14).

Fiscal Impact Statement: All costs associated with the processing of this project are paid by the applicant through a deposit account with the City of San Diego.

Code Enforcement Impact: None.

Housing Impact Statement: The Southeastern San Diego Community Plan designates the site for General Commercial use. The project site is currently improved with two commercial/retail buildings and one is proposed, therefore, the project would not result in the loss of any housing units.

BACKGROUND

The proposed project is located on a 1.93 acre site northeast of Interstate 5 at 2828 National Avenue, between 28th Street and 29th Street (Attachments 1 and 3). A 20-foot wide alley adjoins the property to the north. The site is zoned CSR-2 within the Memorial Neighborhood of the Southeastern San Diego Planned District of the Southeastern San Diego Community Planning area (Attachment 2). The CSR zone allows commercial strip development with parking to the rear or side of the building and is used in areas where pedestrian activity is dominant. The community plan land use designation is General Commercial. This designation is intended to accommodate a wide variety of community shopping, business needs and services both retail and wholesale in nature (Attachment 4).

On December 12, 2002, the Planning Commission approved National LLC – Project No. 1531, Site Development Permit No. 9200/Planned Development Permit No. 9201 (Attachment 9). The project was approved to construct three detached, one-story structures totaling 26,830 square feet. Building “A” would be located at the northeast corner of National Avenue and 28th Street and would contain a fast food restaurant with a drive-thru area that will result in 2,874 square feet. Building “B” would be located along the public alley on the north side of the property, and would include eight retail suites, resulting in 14,704 square feet. Building “C” would be located on the northwest corner of National Avenue and 29th Street and would include four retail suites and a sit-down restaurant, resulting in 9,252 feet. (Attachment 15)

The project provided 108 off-street parking spaces. A two-way left turn lane would be installed on National Avenue between the proposed median east of the proposed driveway and the eastbound left turn lane on National Avenue and 29th Street. Also, the project entry would provide two 20-foot wide driveways with a 4-foot separation between driveway curb openings on National Avenue and a 25-foot wide driveway on 28th Street and 29th Street.

The following deviations were approved for Planned Development Permit No. 9201:

1. Offsetting Planes: Along the west side of Building “A”, there are three offsetting planes required and two are provided. Along the south side of Building “A”, there were four offsetting planes required and three provided. Along the south elevation of Building “B”, there were eight offsetting planes required and five provided and along the east and west elevations, three offsetting planes are required and two each are provided. Along the east

side of Building “C”, there were four offsetting planes required and two provided and along the south side seven required and five provided. There were a total of 21 offsetting planes proposed for the entire project where 32 are required.

2. Setbacks: Building “C” (at the northwest corner of National Avenue and 29th Street) would encroach approximately six feet into the street side yard where a ten foot setback is required.
3. Setbacks: Two parking spaces (one space on 28th Street and one space on 29th Street) would encroach approximately three feet respectively into the street side yard where a ten foot setback is required.
4. Setbacks: The proposed six foot high wrought iron fence, post and trellises would all be located in the street side yard, varying from zero to three feet, on 28th Street and 29th Street where a ten foot street side yard setback is required.

Since approval of the above mentioned project, Building “C” is proposed to be redesigned. Two of the three buildings (“A” and “B”) have been constructed. All of the on-site and off-site work has also been completed, including finish grade for Building “C” (Attachment 6).

DISCUSSION

Project Description:

The project proposes to amend previously approved Site Development Permit No. 9200/Planned Development Permit No. 9201 for Building “C”. The redesigned building has been reduced from a 9,252 square foot, one-story structure to a 6,330 square foot one-story structure. The westerly 2,707 square foot portion of Building “C” is proposed to be used as an automobile lubrication service station, specifically “Jiffy Lube”. The services that will be provided by the station are automobile oil changes and related periodic maintenance. There will be drive thru service bays within the building. The remaining 3,623 square foot portion of Building “C” would be built as a shell for future tenant improvements (Attachment 5). Along the east side of the building, there will be one offsetting plane where three are required, and along the south side, there will be five offsetting planes where seven are required.

At the northwest corner of National Avenue and 29th Street, Building “C” will encroach approximately six feet into the street side yard setback where ten feet is required. In addition, the project as proposed would reduce the previously permitted 108 off-street parking spaces to 106. Parking will be modified only at the areas bordering the pad for Building “C”. All other areas of the parking including driveway access will remain as previously approved. However, no fewer than 105 off-street parking spaces of which five spaces are accessible parking spaces, two motorcycle spaces, and two bicycle spaces shall be maintained on the property at all times.

Discretionary Actions:

Conditional Use Permit

The project proposes to add an occupancy use category that requires a Conditional Use Permit. Automobile service stations are not permitted by right within the SESDPD CSR-2 zone. However, with the approval of a Conditional Use Permit (CUP) the Jiffy Lube automobile lubrication service station would be allowed.

Site Development Permit (Southeastern San Diego Development Permit)

Commercial development and uses requiring a Conditional Use Permit within the SESDPD also require a Southeastern San Diego Development Permit which is processed in the same manner as an application for a Site Development Permit (SDP), in accordance with Land Development Code Chapter 11, Article 2 (required steps in processing) and Chapter 12, Article 6, Division 5 (SDP procedures).

Planned Development Permit

A Planned Development Permit is required in accordance with San Diego Municipal Code (SDMC) Section 126.0603(b) for deviations to offsetting planes. The original permit for National LLC – Project No. 1531, included offsetting plane deviations that totaled 21 proposed where 32 would be required for the entire project. Along the east side of Building “C”, there were four offsetting planes required and two provided. Along the south side seven offsetting planes were required and five provided.

Since the approval of Project No. 1531, Building “C” has proposed architectural changes that reduced the offsetting planes requirement along the east elevation to three where one is being provided. The revised project has a total of 20 offsetting planes for the entire project site where 31 are required. All other deviations as noted above in the background text would remain as previously approved.

Community Plan Analysis:

The site is designated for General Commercial use in the Southeastern San Diego Community Plan (Attachment 2). Therefore, with respect to land use, the project would not have an adverse impact on the community plan.

The Land Use Element of the draft General Plan Update identifies this section of National Avenue to have a moderate to high propensity to develop as an urban village with transit and pedestrian oriented uses. On such streets, the Urban Design Element of the community plan recommends that new buildings be up to or within ten feet of the property line. However, Building “C” at the northwest corner of National Avenue and 29th Street, has a previously approved encroachment for a 6-foot street side yard where a 10-foot setback is required. The encroachment will be maintained in accordance with previously approved Site Development Permit No. 9200/Planned Development Permit No. 9201.

The Urban Design Element of the community plan also recommends that in large scale or drive-in centers that any walls or fences be set back from the property line in order to permit landscaping between the right-of-way and wall or fence. The proposed project respects this provision.

Additionally, the proposed project respects the design of existing structures in the existing commercial center and will contribute to the overall quality of the development as recommended in the Urban Design Element.

Environmental Analysis:

For the proposed automobile lubrication service station, a “Hazardous Materials Questionnaire” was submitted for review. It was determined that no substantial amounts of hazardous materials would be stored on-site. Any change in this proposal would be reviewed by the County of San Diego Department of Environmental Health Hazardous Material Management Division. Therefore, the project as proposed is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303 (New construction or conversion of small structures) of the State CEQA Guidelines.

Community Group Recommendation:

At the May 10, 2007, Southeastern San Diego Planning Committee (SESDPC) meeting, discussion ensued regarding the affects of a change in ownership and impact on the community by maintaining the CUP that would be granted to Jiffy Lube. Their main concern was that a new property owner and operator would not do his/her due diligence as the current applicant has. Therefore, they recommended the project be approved with the condition that the SESDPC would review the facilities and provisions of the CUP for environmental compliance at the time of a change in ownership (Attachment 10).

Staff acknowledges the SESDPC condition for recommending approval. However, staff has determined their condition cannot be included in CUP No. 362559 because there is no provision within the Land Development Code that mandates a designated Community Planning Group review the facilities and provisions of a CUP for environmental compliance at the time of a change in ownership. Furthermore, the proposed project is exempt from CEQA pursuant to Section 15303 of the State CEQA Guidelines.

Conclusion:

Except for the deviations, the design of the proposed project has incorporated the required property and building development regulations. The exterior colors and architectural style for Building “C” would be consistent with the existing Buildings “A” and “B” on site. The proposed development would provide commercial oriented services that would serve the adjacent residential neighborhoods and is consistent with the Southeastern San Diego Community Plan. Therefore, staff believes the proposed project meets the findings for a CUP/SDP and PDP (Attachment 8) and recommends the Planning Commission approve the project as proposed.

ALTERNATIVES

1. Approve Conditional Use Permit No. 362559/Site Development Permit No. 363517/Planned Development Permit No. 363514, with modifications.
2. Deny Conditional Use Permit No. 362559/Site Development Permit No. 363517/Planned Development Permit No. 363514, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

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ESCOBAR-ECK:VSL

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Project Plans
6. Site Photos
7. Draft Permit with Conditions
8. Draft Resolution with Findings
9. Copy of Recorded (existing) Permit(s)
10. Community Planning Group Recommendation
11. Copy of SEDC email
12. Ownership Disclosure Statement
13. Project Chronology
14. CEQA Exemption
15. Site Plan – Project No. 1531